THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.27909 of 1998

DATED 14.03.2007

Between:

Shivlal Singh S/o Ram Singh and another

… **PETITIONERS**

And:

The Secretary to Government,
Municipal Administration, Secretariat Buildings,
Saifabad, Hyderabad and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.27909 of 1998

ORDER:

The second petitioner claims to have entered into an agreement with the first petitioner on 26.12.1991, for purchase of an extent of 700

square yards of land in plot Nos.14,15,16 and 17 in Sy.No.105 situated at Malakpet, Hyderabad, and since then the second petitioner has been in possession and enjoyment of the said land. The first petitioner also executed a General Power of Attorney dated 26.12.1991 in favour of the second petitioner in respect of the said land. While so, in the month of September, 1997, the second respondent started laying road in the said land, without initiating proceedings under the Land Acquisition Act (for short "the Act"). Hence, the second petitioner made a representation on 07.09.1997 to the second respondent to initiate proceedings under the Act and pay compensation in respect of his land. The second respondent, by proceedings dated 08.10.1997, directed the second petitioner to produce the documents in support of his ownership, upon which the second petitioner produced the General Power of Attorney dated 26.12.1991 executed by the first petitioner in his favour. However, without considering the same, the second respondent has been proceeding in laying the road. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the counsel for both the parties.

As the contention put forth by the petitioners that second petitioner is the absolute owner of the land in question is not controverted, this Court is of the view that the respondents may be directed to follow due process of law, if any road is laid in the land of the petitioners.

Accordingly, the writ petition is disposed of directing the respondents to initiate proceedings under the Act and pay compensation to the second petitioner, if really any road is laid in his land. There shall be no order as to costs.

14.03.2007

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